REMARKS/ARGUMENTS

Applicant thanks the Office for the attention accorded the present Application in the Action dated February 19, 2009. Applicant respectfully request reconsideration of the subject application as amended herein.

I. STATUS OF THE CLAIMS

In the Action, Claims 25-52 are pending. Claim 25, 31-33, 35, 37, 38, and 44 have been amended. No new matter has been entered.

Claims 1-52 are rejected under 35 U.S.C. § 112, second paragraph (hereinafter "Section 112, Par. 2") as being indefinite, as claim 25 recites the limitation "finding the same" having insufficient antecedent basis.

Claims 25-32, 35-40, 42, 44-45 and 48-49 were rejected under 35 U.S.C. § 103(a) (hereinafter "Section 103(a)") as being unpatentable over Sonnenfeld (U.S. Pat. 6112049, hereinafter "Sonnenfeld") in view of newly cited Pellegrino (U.S. Pat. 6,149,441, hereinafter "Pellegrino").

Claims 33-34 were rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of O'Brien, (U.S. Pat. 6651071, hereinafter "O'Brien").

Claim 41 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Blonder. (U.S. Pat. 5760771, hereinafter "Blonder").

Claim 46 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino in view of Blonder and further in view of O'Brien.

Claim 43 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Budra. (U.S. Pat. 6726486, hereinafter "Budra").

Claim 47 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Parry (U.S. Pat. 6077085, hereinafter "Parry").

Claim 50 was rejected under Section 103(a) as being unpatentable over Sonnenfeld) in view of Pellegrino and further in view of Lundberg. (U.S. Pat. 5980264, hereinafter "Lundberg").

Claim 51 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino in view of Parry and further in view of Sweitzer (U.S. Pat. 6018617, hereinafter "Sweitzer").

Claim 52 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Naughton (U.S. Pat. 6154209, hereinafter "Naughton").

Applicant respectfully traverses the rejections and requests reconsideration for all pending claims in light of the remarks below.

REJECTION UNDER SECTION 112, PAR. 2

Claims 1-52 are rejected under Section 112, Par. 2 as being indefinite as claim 25 recites the limitation "finding the same", therefore having insufficient antecedent basis for this limitation. Applicant respectfully submits an amendment to claim 25 to correct the claim language to recite "finding the data" and therefore remove the insufficient antecedent basis. Accordingly, the claims are believed to be corrected and it is respectfully requested that the rejection under Section 112, Par. 2 be withdrawn.

REJECTION UNDER SECTION 103- SONNENFELD AND PELLEGRINO

The Office Action has rejected Claims 25-32, 35-40, 42, 44-45 and 48-49 as being unpatentable over Sonnenfeld in view of Pellegrino under Section 103(a).

Claim 25

Claim 25 has been amended to clarify the claim and recite in part "data having been selected by the user by finding the data based on the user selecting from all of the following presented options including: searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions; *wherein said conditions include correlation to the user determined classifications ...*" The user's determined

classifications of their own data in their personalized databank is searchable by the FIND conditions. The personalization of these user determined classifications of the data are unrestricted by any already provided data. (specification, pars. 0034-0035)

Applicant has reviewed the Sonnenfeld patent included all the cited references to it, and respectfully contends that Sonnenfeld does not teach each and every claim limitation of amended claim 25, as required for a rejection under Section 103(a). Sonnenfeld is an automated electronic test taking system in which a test is created by a test designer for an unrelated user (the test taker). However, in claim 25, the system deals with a "user's own databank of questions and answers", the user further "personalize[s] organization of the data in the databank based on the user's determined classifications". Sonnenfeld teaches nowhere that a user's own databank of questions and answers is implemented, but only generally discusses a test designer designing and administering of a hierarchical testing scheme for a separate test taker. There is simply no teaching of a "user's own databank" taught in Sonnenfeld.

Neither does the user "personalize organization" of their own data in the databank and determine classifications. Rather, the equivalent user in Sonnenfeld who is the "test taker", has no part in the using of his/her "own databank" or in classifying the data. Col. 3, lines 46-58 and col. 4, lines 14-51 are referred to as teaching "well classified data input, organizing and management module for the user to personalize organization of the data in the databank based on the user's determined classifications". In reviewing the cited sections, although appearing to teach "building blocks of the test" and presenting these sections of logical units to a user (the test taker) who responds with answers, again, the user is not shown to "personalize organization of the data in the databank based on the user's determined classifications". Rather in Sonnenfeld the test designer is implementing the system, the user is not involved with the creating the determined classifications of their own databank.

Moreover, Sonnenfeld fails to teach the *claimed* "data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of "FIND" conditions, one of the "FIND" conditions, and more than one of the "FIND" conditions, wherein said conditions include correlation to the user determined classifications ..." Pellegrino is cited as teaching such element. However,

although Pellegrino shows fields including pull-down menus for user to select from, Pellegrino does not teach "said conditions include correlation to the user determined classifications". Pellegrino's drop down menus are existing menu items of the system but are not shown to be personalized to the user's determined classifications as entered into the user's own databank.

As not all the claimed limitations of amended claim 25 have been taught or suggested. Accordingly, there is no prima facie case of obviousness made since not all the claimed limitations have been shown by Sonnenfeld or in combination with Pellegrino. Sonnenfeld discusses a completely different system in which a test designer is in control of creating an automated test for other test takers. There is simply no teaching or suggestion of a "user's own databank of questions and answers", modules for the "user to personalize organization of the data in the databank based on the user's determined classifications". Neither is there any teaching in Sonnenfeld combined with Pellegrino of the "user selecting from the presented options including searching by none,…one, ..or more than one of the "FIND" conditions, wherein said conditions include correlation to the user determined classifications" as required by amended claim 25.

Accordingly, as Sonnenfeld in view of Pellegrino fail to teach each and every claim limitation of amended claim 25, Applicant respectfully submits that amended claim 25 is patentable and allowable. Withdrawal of the rejection under Section 103(a) is respectfully requested.

Claims 26-32, 35-40, 42, 44-45, 48-49

Since claims 26-32, 35-40, 42, 44-45 and 48-49 each depend directly or indirectly from amended claim 25, they each include all the limitations of their base claim 25. Accordingly, Applicant respectfully submits that these dependent claims are allowable for at least the same reasons as amended claim 25, along with the additional limitations they each recite.

Dependent claims 26 and 28, recite specifically, classifications of the data, which the user classifies, are unobvious as the underlying claim is unobvious since not all the required limitations are shown. Claim 29 also recites a databank is built of "questions and answers based on the understanding of said passages in various questioning formats, wherein the passage pertaining to its set of questions and answers are stored along with its set of questions and answers as part of the user's searchable databank". Contrary to the Office Action, the cited lines in Sonnenfeld do not teach each and every element of claim 29 as dependent on claim 25. In particular, the generalized statement of "give the test designer control over every aspect of test design" and "a server stores information about the ...questions on the test", and a recitation of tests, quizzes, surveys, questionnaires, trivia quizzes and a sequence of questions and answers in Sonnenfeld does not teach or suggest the required elements of claim 29. The cited reference fails to teach of building a user's "databank of passages by well-defined classifications" and "questions and answers based on the understanding of said passages", "wherein the passages...are stored along with its questions and answers as part of the user's searchable databank.". Nowhere in Sonnenfeld's building blocks of tests, quizzes and Q/A does are there specifically taught or suggested "passages" or the storage of such "passages" "with its questions and answers", nor is there a showing that such "passages" are "searchable" in the user's "databank". Accordingly, claim 29 is believed patentable over Sonnenfeld in view of Pellegrino.

Further, claim 30 which depends from claim 29, in which "passages pertaining to its questions and answers are stored along with its questions and answers as part of the user's searchable databank" has not been taught or suggested by Sonnenfeld, and is further unobvious as Sonnenfeld and Pellegrino do not teach of suggest the user classifying the data in the "user's searchable databank".

With regard to dependent claim 35, again, there is no showing in Sonnenfeld and Pellegrino of the user creating tests or quizzes and printing the said tests of quizzes "by various classifications" and further assigning marks to each question from the data in the "user's databank" through the specified presented options of "FIND" conditions, wherein said conditions include correlation to the user determined classifications. Sonnenfeld pertains to the test designer which is does not teach anywhere, "the user's own databank of questions and

answers". Furthermore, Sonnenfeld teaches away from facilitating a user's "printing of tests" by teaching encrypting to limit interception and appropriation of content and further "blocks printing or saving". This in no manner suggests that the "user" (Sonnenfeld's test taker) is provided with a Module for printing the tests or quizzes, let alone by "classifications". Neither is there any assigning of marks to each question by the "user" based on the data from their own databank.

Furthermore, claim 42 recites "copying of existing classification and previously entered data exclusive of its previously associated question...". Sonnenfeld only teaches of copying of entire questions as cited in column 26, lines 28-34 and col. 45, line 63 to col. 46, line 6. However, there is no teaching or suggestion of a copying existing "classification" ..."exclusive of its previously associated question". Claim 42 clarifies that the system provides for a utility for copying a "classification" on its own for ease of data entry. This is completely different from a utility for copying an entire question as taught in Sonnenfeld. Accordingly, claim 42 is believed patentable over Sonnenfeld in view of Pellegrino.

With regard to dependent claim 45, the discussion above with respect to amended claim 25 applies herewith. Not only is there no user's own databank, but neither is there a teaching of the user being "presented options including searching by none..., one..., and more than one of the "FIND" conditions, wherein said conditions include correlation to the user determined classifications" of their own databank.

Accordingly, Applicant respectfully requests withdrawal of the rejection of the claims under Section 103(a) over Sonnenfeld in view of Pellegrino as not all the limitations of the claims are taught.

Therefore, it is respectfully requested that the rejection of dependent claims 26-32, 35-40, 42, 44-45 and 48-49 under Section 103(a) be withdrawn.

Claims 33 and 34

Claims 33-34 were rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of O'Brien.

Claims 33-34 include all the limitations of their base claim 25. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in view of Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld in view of Pellegrino in combination with O'Brien fail to teach or suggest all the claimed limitations. In reviewing O'Brien, "self evaluation tests" are not taught anywhere, but rather "self assessment of performance" by way of "student feedback". This is NOT the same as a "self evaluation test" in which amended claim 33 recites "being taken in a variety of test formats using the data from the databank". Further the user in claim 33 takes the "self evaluation test" by way of the user selecting from the presented options for searching the "FIND" conditions, "wherein said conditions include correlation to the user determined classifications".

Nowhere in the teachings of Sonnenfeld in view of Pellegrino in combination with O'Brien are all the claimed limitations of claim 33 shown. Sonnenfeld and Pellegrino do not teach a test taker creating their own self evaluation test based on "FIND" conditions, and O'Brien simply teaches of student feedback for a self assessment, making no suggestion for an actual test. Contrary to Sonnenfeld, Pellegrino and O'Brien, the user in claim 33 is taking a self evaluation test of actual test questions which is no where shown by a user giving his or herself "feedback".

Similarly with dependent claim 34, the arguments with respect to claim 33 apply herewith . Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 33-34 under Section 103(a) over Sonnenfeld, Pellegrino and O'Brien as they do not teach or suggest all the limitations of the claims.

Claim 41

Claim 41 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Blonder.

Claim 41 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in view of Pellegrino in order to show a prima facie case of

obviousness. Sonnenfeld and Pellegrino in combination with Blonder also fail to teach or suggest all the claimed limitations. In reviewing Blonder for the deficiencies of the cited references and taking the references in combination, Blonder still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 43

Claim 43 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Budra.

Claim 43 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Budra also fail to teach or suggest all the claimed limitations. In reviewing Budra for the deficiencies of the cited references, and taking the references in combination, Budra still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 46

Claim 46 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino in view of Blonder and further in view of O'Brien.

Claim 46 depends from claim 45 and includes all the limitations of base claim 25 including additional limitations. Claim 46 recites "prior to taking another self evaluation test". As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Blonder and O'Brien also fail to teach or suggest all the claimed limitations. In reviewing Blonder and O'Brien for the deficiencies of the cited references, and taking the references in combination, Blonder and

O'Brien still fail to provide for all the claimed limitations of amended claim 25 and amended claim 46 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 47

Claim 47 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Parry.

Claim 47 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Parry also fail to teach or suggest all the claimed limitations. In reviewing Parry for the deficiencies of the cited references, and taking the references in combination, Parry still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 50

Claim 50 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Lundberg.

Claim 50 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Lundberg also fail to teach or suggest all the claimed limitations. In reviewing Lundberg for the deficiencies of the cited references, and taking the references in combination, Lundberg still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 51

Claim 51 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino in view of Parry and further in view of Sweitzer.

Claim 51 depends from and includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Parry and Sweitzer also fail to teach or suggest all the claimed limitations. In reviewing Parry and Sweitzer for the deficiencies of the cited references, and taking the references in combination, Parry and Sweitzer still fail to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.

Claim 52

Claim 52 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Pellegrino and further in view of Naughton.

Claim 52 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld and Pellegrino in order to show a prima facie case of obviousness. Sonnenfeld and Pellegrino in combination with Naughton also fail to teach or suggest all the claimed limitations. In reviewing Naughton for the deficiencies of the cited references, and taking the references in combination, Naughton still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld and Pellegrino.
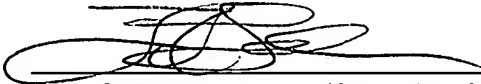
Accordingly, Applicant respectfully notes that all the references have been reviewed in combination where applicable, and have been shown to be deficient in combination, in meeting the requirements for a showing of obviousness. Applicant therefore respectfully requests withdrawal of the rejection against claims 25-52 under Section 103(a).

II.   CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 08/19/2009

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